

APPEAL NO. 041011
FILED JUNE 23, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 15, 2004, with the record closing on March 23, 2004. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) _____, compensable injury does extend to and include an injury to the L4-5 disc. The appellant (carrier) appealed, arguing that the hearing officer's determination is against the great weight and preponderance of the evidence, and that the claimant failed to meet her burden of proof. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

The issue of extent of injury involves a factual question for the hearing officer to resolve. Conflicting evidence was presented on the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer was persuaded by the claimant's evidence that she met her burden of proof on the disputed issue. We conclude that the hearing officer's determination on the appealed issue is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **COMMERCE AND
INDUSTRY INSURANCE COMPANY** and the name and address of its registered agent
for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Daniel R. Barry
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Edward Vilano
Appeals Judge